

Minutes
Board of Supervisors
Regular Meeting
September 19, 2022

Members Present: Keith Weakley, Chairman At-Large
D. Keith, Guzy, Jr., District 1
Allen Louderback, District 2
Mark Stroupe, District 3
Larry Foltz, District 4
Jeff Vaughan, District 5

Staff Present: Amity Moler, County Administrator
Regina Miller, Assistant County Administrator
Tyler Olsen, Finance Director
Tracy Clatterbuck, Zoning Administrator
Kelly Butler, Senior Program Support Technician
Michael Helm, County Attorney

Call to Order:

Chairman Keith Weakley called to order the regular meeting of the Page County Board of Supervisors on Monday, September 19, 2022, at 7:00 p.m., in the Board of Supervisors Room located in the Page County Government Center, 103 South Court Street, Luray, VA. The Call to Order was followed by an Invocation given by Pastor Brian Hasse, and the *Pledge of Allegiance*.

Adoption of the Agenda:

Motion: Supervisor Guzy moved that the Page County Board of Supervisors adopt the agenda. Supervisor Stroupe seconded and the motion carried by a vote of 6-0. Aye: Weakley, Guzy, Louderback, Stroupe, Foltz, Vaughan. Nay: None.

Public Hearings:

Boundary Line Adjustment with the Town of Luray:

The public hearing was advertised as follows.

NOTICE OF PUBLIC HEARING
PAGE COUNTY

Pursuant to the Code of Virginia § 15.2-3107, notice is hereby given that a PUBLIC HEARING will be conducted by the Page County Board of Supervisors in the Board Room, County Government Center, 2nd floor, at 103 Court Street, Luray, Virginia, at 7:00 P.M., on September 19, 2022.

The purpose of the public hearing is to receive public comment regarding a Boundary Line Adjustment Agreement with the Town of Luray. The County is considering a

Boundary Line Adjustment Agreement that will adjust the boundary between the Town of Luray and Page County as follows:

- Tax Map Numbers 42A16-1-1, 42A16-1-2, 42A16-1-3, 42A16-1-4, 42A16-1-5, 42A16-1-6, 42A16-1-7, 42A16-1-8, 42A16-1-9, 42A16-1-10, 42A16-1-11, 42A16-1-12, 42A16-1-13, and 42A16-1-14 will be brought within Luray's municipal boundary. These parcels are currently located entirely in Page County.
- Portions of Tax Map Numbers 42A16-3-4, 42A16-3-8, and 42A16-3-12 running along the southwest boundary of each parcel will be brought within Luray's municipal boundary. That portion of each parcel is currently located in Page County, with the remainder of each parcel already located in Luray.
- A 50-foot right-of-way running between Ellis Drive and Luray's current municipal boundary on Fairview Road will be brought within Luray's municipal boundary.

Chairman Weakley opened the public hearing at 7:04 p.m.

Mrs. Moler explained the Town of Luray has requested that 14 lots currently in Page County that are part of the Fairview subdivision be brought within the Town's municipal limits. Ramsey, Inc. owns 12 of the 14 lots and has requested this of the Town of Luray, so they can connect to Town utilities. The Town of Luray held their public hearing and tabled their vote due to some concerns over Arthur Lane and Ellis Drive. She said the Board cannot take action tonight, but can proceed with the hearing.

Public Comments on Boundary Line Adjustment Public Hearing:

Chris Ramsey said he is the property owner and the Town suggested he request a boundary line adjustment bringing the properties within the Town boundaries for water and sewer connections and user fees. He said he owns Arthur Lane and Ellis Drive and has owned them since 2007. He said this is part of a subdivision that was recorded in 1995. He stated that water and sewer was granted to the property, by the Town, in 2007.

Chairman Weakley closed the public hearing at 7:15 p.m.

Budget Amendment:

The Budget Amendment public hearing was advertised as follows:

NOTICE OF PUBLIC HEARING BUDGET AMENDMENT
PAGE COUNTY BOARD OF SUPERVISORS

On September 19, 2022 at 7:00 p.m., the Page County Board of Supervisors will conduct a public hearing at the Page County Government Center building, 103 South Court St.,

Luray, VA 22835, for the purpose of considering an amendment to the fiscal year 2023 budget. The aggregate amount of the amendments exceeds one percent of the fiscal year 2023 budget and the public hearing is required by Section 15.2-2507 of the Code of Virginia.

REVENUE:	Federal Funds	\$	8,834
	State Funds		441,051
	Local Funds		185,184
	General Fund Balance		231,622

EXPENDITURE:	General Funds	\$	713,791
	Page County Public Schools		152,900

Tyler Olsen, Finance Director, explained that on behalf of the Town of Luray, the County has received \$7,246 in State and Local Fiscal Recovery Funds from the American Rescue Plan Act. It is requested that these funds are appropriated for the Town's municipal utility relief program.

The Page County Sheriff's Office has received a Local Law Enforcement (LOLE) Grant in the amount of \$1,588. It is requested that these Federal funds are appropriated for the purchase of a mount and docking station for the new mobile data terminals. There is no local match.

The Sheriff's Office has also received a School Resource Officer (SRO) grant from the Virginia Department of Criminal Justice in the amount of \$150,018. It is requested that this one-year grant is appropriated for the salaries and benefits for two additional full-time SRO positions. There is no local match in the first year. The Sheriff's Office can apply for additional funding for three years; however, those will require a local match.

Page County Public Schools have received ViSSTA funds in the amount of \$152,900. As outlined in the School Board's Resolution, these State funds are for providing COVID-19 testing programs. It is requested that these funds are appropriated for testing vendors, supplies, and staff.

The County will receive an additional \$3,934 from the Virginia Department of Fire Programs. These State funds will be transferred to the Towns' volunteer fire departments. To boost the pay of sworn law enforcement officers, the State Compensation Board has implemented new salary amounts for Compensation Board positions, which includes a higher minimum salary amount. The State is providing \$134,199 for these increases.

The Sheriff's Office is requesting that the County appropriate \$174,129 of its fund balance for additional pay raises, taxes, and benefits. Due to the new minimum salary amount, less experienced officers will receive a larger pay increase from the Compensation Board;

therefore, the Sheriff's Office is requesting that the County give additional pay raises so that all sworn officers, including those not in Compensation Board positions, will each receive the same raise of \$4,179. This raise amount was determined by calculating the smallest amount needed to bring the salary of the lowest paid Compensation Board position in compliance with the new minimum amount. If approved, these raises will put the Sheriff's Office's salaries on par with nearby law enforcement agencies, which will help with retention.

The Sheriff's Office also requested that five administrative employees each receive a pay raise of \$2,090. To do so, the County will need to appropriate \$12,557 of its fund balance for salaries, taxes, and benefits.

Recently, the County's IT provider merged with another company, Vision Technology Group. Previously, the County was paying relatively inexpensive rates that were based on an old contract. Now, due to the rising cost of business, Vision's rates are substantially higher; therefore, it is requested that \$60,000 of the fund balance is appropriated for IT maintenance services.

Since the State finalized the pay changes for sworn officers during the current fiscal year, the County will have to use its fund balance for the supplemental raises. This is not a sustainable funding source; therefore, the County will have to reappropriate funds or raise taxes in future years to pay these higher salaries.

The Board could choose not to fund the Sheriff's Office pay raise request and just pay out the increases provided by the Compensation Board; however, this will give more pay to new and less experienced officers. Since some employees are entirely funded by the County, this approach would also result in employees with the same job to receive different raise amounts.

Since the Compensation Board implemented these new salaries to boost the pay of sworn officers, the Board could choose not to fund raises for the Sheriff's Office's administrative staff. The administrative staff recently received a five percent pay increase at the beginning of the fiscal year.

He recommended the appropriation of all requests.

Public Comments on Budget Appropriations:

There were no speakers during the public hearing.

Chairman Weakley closed the public hearing at 7:29 p.m.

After much discussion concerning the Sheriff's administration raises and the fact that everyone just received a 5% raise in July, the Board decided not to fund the additional administrative raises.

Motion: Supervisor Guzy moved to approve revenue from the Federal government in the amount of \$8,834, the State in the amount of \$441,051, and the General Fund Balance in the amount of \$234,129 and expenditures to the General Fund in the amount of \$531,114 and School Operating Fund in the amount of \$152,900. Supervisor Louderback seconded and the motion carried by a vote of 5-1. Aye: Guzy, Louderback, Stroupe, Foltz, Weakley. Nay: Vaughan.

Supplemental Appropriations Requests:

Department	Description	Revenue Source	Expenditure	Amount
ARPA	Town of Luray Municipal Utility Relief Funds	ARPA 101-0000-333-01-74	Town of Luray 101-9310-493-59-96	\$7,246
PCSO	DOJ BJA Local Law Enforcement Grant	DOJ BJA LOLE Grant 101-0000-333-01-15	MDT Mount & Dock 101-3120-431-59-04	1,588
PCSO	School Resource Officers	DCJS SRO Grant 101-0000-324-04-45	SRO Salaries & Benefits 101-3130-431-59-57	150,018
PCPS	ViSSTA Funds for COVID-19 Testing	ViSSTA	COVID-19 Testing	152,900
Volunteer Fire Dept.	Virginia Department of Fire Programs	VDFP 101-0000-324-04-12	Volunteer Fire Dept. 101-3220-432-56-40	3,934
PCSO	Compensation Board Changes for Sworn Officers	Compensation Board 101-0000-323-02-01	Salaries Various	134,199
PCSO	Pay Raises for Sworn Officers	Fund Balance 101-0000-341-04-05	Salaries Various	174,129
IT	Updated Contract with IT Provider	Fund Balance 101-0000-341-04-05	Maintenance Services 101-1251-412-30-11	60,000
Total				\$684,014

Public Comments on Agenda Items:

There were no speakers on Agenda Items.

Action Matters:

Northwestern Community Services Board Performance Contract:

Greg Gutmeir, Chief Financial Officer for Northwestern Community Services, explained that in accordance with State requirements, each locality is asked to review and endorse their area CSB's Performance Contract. The documents reflect allocated Federal, State and local funds, and other reimbursements to be received in order to carry out the work of our Board of Directors for FY 2023. He reviewed clients, services and revenue and noted that they provide services for 726 clients in Page County. We have clients from the County Drug Court Program, as well as walk-ins. He shared that five counties and the City of Winchester fall under their umbrella of help.

The Board had several questions concerning drug abuse treatments and expressed concern with the lack of programs in Page County. Supervisor Louderback feels the County needs a rehabilitation center to help with life skills and to get individuals out of the environment that enables their addiction.

Motion: Supervisor Guzy moved to adopt the Northwestern Community Services performance contract, as presented. Supervisor Stroupe seconded and the motion carried by a vote of 6-0. Aye: Foltz, Vaughan, Weakley, Guzy, Louderback, Stroupe. Nay: None.

Resolution – Refunds for Erroneous Assessments:

Mrs. Moler explained that since 2006 the Board has authorized the Treasurer to make refunds of erroneous assessments up to \$2,500, without presenting to the Board. The Board needs to increase the refund authority granted to the Treasurer to the statutory maximum of \$10,000. Mrs. Moler said this is in line with neighboring counties.

#2022 - 09
RESOLUTION

WHEREAS, by Resolution duly adopted on January 11, 2000, the Board of Supervisors of the County of Page, Virginia (the "Board"), acting pursuant to § 58.1-3981 (A), Code of Virginia (1950), as amended, authorized the Treasurer of Page County, Virginia to make refunds of erroneous assessments up to \$500; and

WHEREAS, by Resolution adopted on September 19, 2006, the Board of Supervisors authorized the Treasurer of Page County to make refunds of erroneous assessments up to \$2,500; and

WHEREAS, upon mature consideration, the Board has determined the advisability to increase the refund authority granted to the Treasurer of Page County, Virginia to the statutory maximum of \$10,000;

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF PAGE, VIRGINIA, as follows:

1. That, pursuant to § 58.1-3981 (A), Code of Virginia (1950), as amended, the Treasurer of Page County, Virginia may issue any refund to any applicant taxpayer upon which said taxpayer has been erroneously assessed with a tax, said refund not to exceed Ten Thousand Dollars (\$10,000.00);

2. This Resolution shall be in full force and effect from and after the passage hereof, as provided by Virginia law.

This Resolution adopted by the Page County Board of Supervisors this 19th, day of September, 2022.

Motion: Supervisor Vaughan moved that the Board of Supervisors adopt Resolution #2022-09, as presented. Supervisor Foltz seconded and the motion carried by a vote of 6-0. Aye: Louderback, Stroupe, Foltz, Vaughan, Weakley, Guzy. Nay: None.

Board and Commission Appointments:

Mrs. Harner reviewed the Board and Commission appointments with the Board.

Social Services Board:

There are currently two vacancies on the Social Services Board: District 1 and District 5. Terms for these seats expired June 30th and the individuals are not eligible for reappointment due to having already served two consecutive four-year terms. The individuals appointed to these vacancies would be serving four-year terms, which will expire on June 30, 2026.

No names were given for consideration.

Massanutten Regional Library Board:

The term of Linda West expires June 30th. Mrs. West does not want to be reappointed. Another individual will need to be appointed for a three-year term from October 1, 2022 through September 30, 2025.

No names were given for consideration.

Consent Agenda:

Motion: Supervisor Guzy moved to approve the Consent Agenda as follows:

- Financial reports for the period of August 1-31, 2022;
- Accounts payable checks, payroll checks, payroll direct deposits, and payroll tax related electronic fund transfers totaling \$2,808,070.71 for the month of August 2022; and
- Minutes of August 15, 2022.

Supervisor Stroupe seconded and the motion carried by a vote of 6-0. Aye: Stroupe, Foltz, Vaughan, Weakley, Guzy, Louderback. Nay: None.

Old Business:

There was no old business to discuss.

New Business:

Review of Special Use Permit – HighSpeedLink/IBR Corporation:

Tracy Clatterbuck, Zoning Administrator, reviewed the special use permit request (SUP) to construct new 150' monopole and antennas with a four (4)' tall lightning rod attached to the top of the monopole.

HighSpeedLink (Occupant) and IBR Corporation (Landowner) have filed an application for a SUP to construct a new 150' monopole and antennas with a four (4)' tall lighting rod attached to the top of the monopole located at 974 Kibler Hill Road, Luray, VA. The parcel is identified by tax map number 23- (A)-22, contains 54.067 acres, and is zoned as

Agriculture (A-1). The site currently houses a temporary telecommunication facility approved by the Page County Board of Supervisors.

This application is attempting to make that facility permanent through the approval of a special use permit application. The proposed monopole meets the minimum setbacks required from all property lines. The applicant has reached out to Virginia Department of Transportation (VDOT), Health Department and Building Office and they have no issues.

The Planning Commission held their public hearing and recommended approval of the request to the Board of Supervisors, with permit conditions.

Motion: Supervisor Vaughan moved that the Page County Board of Supervisors hold public hearings on the §15.2-2232 Review (as required by the Code of Virginia) and the special use permit application at the October 17, 2022, Regular Meeting, and direct staff to provide adequate notice of such hearing in accordance with the Code of Virginia § 15.2-2204. Supervisor Louderback seconded and the motion carried by a vote of 6-0. Aye: Vaughan, Weakley, Guzy, Louderback, Stroupe, Foltz. Nay: None.

Review of Amendments to the Floodplain Ordinance:

Kelly Butler, Floodplain Administrator, explained in April 2021, the Planning Commission requested review of the proposed floodplain ordinance that was created by the Berkley Group. After discussion and direction from the Planning Commission, she prepared a draft floodplain ordinance for consideration.

The proposed ordinance has been prepared only with the intention of meeting the minimum requirements of the FEMA NFIP regulations, FEMA Region III, and the Virginia Uniform Statewide Building Code (USBC). The ordinance has been proposed as a "stand alone" ordinance, apart from the zoning ordinance and the USBC. The advantage of doing this is that one ordinance contains all floodplain development standards. Developers can easily see what is required of them, and FEMA and the state can easily see if the community has adopted the latest requirements. The proposed ordinance has been diligently written and reviewed to ensure coordination with building, zoning, and subdivision requirements. The ordinance has been through a preliminary review with the Department of Conservation and Recreation (OCR) to ensure compliance with NFIP regulations. If/when the ordinance is adopted by the Board of Supervisors, OCR will conduct a review and send the ordinance with any comments to FEMA for review. FEMA will review and make their final determination for approval.

Legal review has been completed and has been recommended for adoption, as presented. Subsequently, the Planning Commission has recommended approval.

Motion: Supervisor Vaughan moved that the Page County Board of Supervisors hold a public hearing on Monday, October 17, 2022, at 7:00 p.m., on the proposed floodplain management ordinance and direct staff to provide adequate notice in accordance with the Code of Virginia. Supervisor Guzy seconded and the motion carried by a vote of 6-0. Aye: Weakley, Guzy, Louderback, Stroupe, Foltz, Vaughan. Nay: None.

Review of Opioid Settlement Funds and Uses:

Tyler Olsen, Finance Director, said from July 2022 to July 2038, Page County will receive funds from the National Opioid Settlement. This Settlement resolves litigation brought by states and local political subdivisions against the three largest pharmaceutical distributors: McKesson, Cardinal Health, and AmerisourceBergen, and manufacturer Janssen Pharmaceuticals and its parent company Johnson & Johnson. The funds from this Settlement are to be used for the abatement of the opioid epidemic.

The County will receive between \$671,824.08 and \$835,683.61 from the Settlement over the next 16 years. The final amount will depend on how much of the private legal counsel fees are paid by the national fee fund. Nearly a quarter of the total amount will be received by the end of calendar year 2022. The County will receive the remaining funds in much smaller amounts, approximately \$30,000 to \$40,000 annually, from 2023 to 2038. The Board has a decision to make regarding how they would like to use these funds to strategically respond to the opioid crisis.

He stated that 85% of the funds must be spent on opioid abatement. Approved uses include funding programs to treat opioid use disorder (OUD), to support people in treatment and recovery, to address the needs of pregnant or parenting women with OUD, to prevent the misuse and over-prescribing of opioids, and to provide education and training to first responders. These funds could be used by various departments, such as the Drug Treatment Court, Social Services, Fire-EMS, and the Sheriff's Office. The full list of approved uses is included in the second attachment. These funds, however, cannot be used to supplant funding for an existing program.

Currently, the State entity that oversees the use of these funds, the Virginia Opioid Abatement Authority, has not stipulated a certain date by which these funds need to be spent. Consequently, the County can hold on to this money and disburse it as needed.

He recommended not spending the funds until the Drug Treatment Court's future funding source is determined. Currently, the Drug Treatment Court is funded with a three-year Federal grant ending in September 2023. The Court will apply for a fourth-year extension, which will use the savings from the past three years. It is the Court Coordinator's intention to apply for additional grants beyond the fourth-year extension. If the extension or grants are not awarded, the Board may want to consider using these funds to temporarily fund the Court while it solidifies a long-term funding strategy. Since the Court helps individuals with OUD, the Court's expenses would be an eligible use of these funds.

Open Public Comments:

Beth Snider thanked the Board for continuing to improve the streaming issue. She then expressed concern about the lack of affordable housing in the county.

Administrator's Report:

Mrs. Moler reported that the new Luray Meadows apartments are now taking applications. Broadband should be ready for citizens by the second quarter of 2023. The 911 new radio

system is being tested and we are getting better coverage than expected. Our coverage now is at 60% we will be in the high 90% range when it is all finished.

Supervisors Time:

All supervisors thanked everyone for coming to the meeting.

Closed Session:

Motion: Supervisor Guzy moved that the Page County Board of Supervisors convene in closed session under the Virginia Freedom of Information Act to discuss the assignment of an employee, pursuant to Section 2.2- 3711(A)(1) of the Code of Virginia; and to discuss specific legal matters with legal counsel concerning a personnel matter, where such matters require the provision of legal advice for the purpose of evaluating the proper legal position or action to be taken by the Page County Board of Supervisors, pursuant to Section 2.2-3711(A)(8) of the Code of Virginia. Supervisor Vaughan seconded and the motion carried by a vote of 6-0. Aye: Guzy, Louderback, Stroupe, Foltz, Vaughan, Weakley. Nay: None.

Recess: The Board took a brief recess at 8:14 p.m.

Reconvene: The Board reconvened in Closed Session at 8:25 p.m.

Exit Closed Session:

Motion: Supervisor Stroupe moved the closed meeting be adjourned and the Page County Board of Supervisors reconvene in open session. Supervisor Guzy seconded and the motion carried by a vote of 6-0. Aye: Louderback, Stroupe, Foltz, Vaughan, Weakley, Guzy. Nay: None.


Certification of Closed Meeting:

To the best of my knowledge only public business matters lawfully exempted from open meeting requirements under Section 2.2-3711 (A) of the Code of Virginia, 1950, as amended, and only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting.

<u>Recorded Roll Call Vote:</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
D. Keith Guzy, Jr.	X			
Allen Louderback	X			
Mark Stroupe	X			
Larry Foltz	X			
Jeff Vaughan	X			
Keith Weakley	X			

Adjourn: 9:20 p.m.

With no further business to discuss, Chairman Weakley adjourned the meeting.



Keith Weakley, Chairman



Amity Moler, County Administrator